

***Remarks***

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-59 are pending in the application, with 1, 11, 23, 32, and 45 being the independent claims. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding rejections and that they be withdrawn.

***Rejections under 35 U.S.C. § 112***

Claims 11-59 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner states that the language "wherein power is transmitted directly to one of said output members/first transmission member" in claims 11, 23, 32 and 45 is unclear because it does not correspond to any description in the specification. Further, the Examiner states that without specific element names, this limitation, and other similar ones, cannot be understood or verified.

The foregoing amendment to claims 11, 23, and 45 removes the above-noted unclear language from these claims. Claims 11, 23, and 45 now call for "wherein said power dividing means differentially shares power transmitted into said input member between said pair of output members." This feature can be seen, for example, in FIG. 13 where power dividing means (23) differentially shares the power transmitted into input

member (74) between output members (71 and 73). In this way, claims 11, 23, and 45 are clear and unambiguous. Claim 32 calls for "wherein said power is transmitted directly to said first transmission member and through said power dividing means from said first transmission member to said second transmission member." The feature can be seen, for example, in FIG. 1 where power is transmitted directly to first transmission member (82), and then through power dividing means (20) and on to second transmission member (87). In this way, claim 32 is clear and unambiguous. Accordingly, Applicant respectfully requests that the Examiner withdraw this rejection of claims 11, 23, 32 and 45.

Next, the Examiner states that the language "wherein power is transmitted directly to one of said output members" in claims 11, 23, and 45 is unclear because there exists two possible interpretations. The Examiner states that this feature contradicts the function of the "input member" and the feature "said power dividing means differentially shares power transmitted into said input member between said pair of output members." Next, the Examiner states that the limitation cannot be verified in the specification. The foregoing amendment to claims 11, 23, and 45 deletes the rejected language. Accordingly, Applicant respectfully requests that the Examiner withdraw this rejection of claims 11, 23, and 45.

***Rejections under 35 U.S.C. § 103***

Independent claims 1, 11, 23, 32, and 45, along with claims 2-6, 12-18, 24-27, 33-38, and 46-51 which depend therefrom, have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,085,853 to Wernick in view of U.S. Patent

No. 6,364,041 to Vangsgard. The Examiner states that Wernick discloses all of the features of these claims except a prime mover disposed between two nonsteerable axles. The Examiner then states that Vangsgard teaches a prime mover disposed between two nonsteerable axles and it would have been obvious at the time the invention was made to combine the two teachings to disclose all the features of these claims.

Amended independent claim 1 recites "first (82) and second (87) transmission members, wherein said steering axle synchronously interlocks with said second transmission member, and wherein *both* of the other axles synchronously interlock with said first transmission member" (emphasis added). The Wernick patent fails to teach that the first transmission member (11) *synchronously* interlocks with axle (2). First transmission member (11) is connected to axle (2) only through inter-axle *differential* (17) thereby failing to be *synchronously* interlocked with axle (2). Additionally, the Vangsgard patent does not disclose this feature. Accordingly, even if it were obvious to combine these references, the combination would not teach each and every feature of the claimed invention. Accordingly, Applicant respectfully requests that the Examiner withdraw this rejection of claim 1.

Claims 2-10 depend from and add additional features to claim 1. Therefore these claims are allowable for at least the reasons stated above. Accordingly, Applicant respectfully requests that this rejection of claims 2-10 be withdrawn.

Independent claim 11 recites that "each of said input member and said pair of output members synchronously interlocks with at least one of said three or more axles." Wernick fails to disclose this feature. For example, input member (6) is not *synchronously* interlocked with any axle. Input member (6) connects with axles (2) and

(3) only through inter-axle *differential* (17), connects to axle (1) only through center *differential* (8), and connects to axle (4) only through inter-axle *differential* (11) and thereby does not *synchronously* interlock with any axle. Additionally, the Vangsgard patent does not disclose this feature. Accordingly, even if it were obvious to combine these references, the combination would not teach each and every feature of the claimed invention. Accordingly, Applicant respectfully requests that the Examiner withdraw this rejection of claim 11.

Claims 12-22 depend from and add additional features to claim 11. Therefore these claims are allowable for at least the reasons stated above. Accordingly, Applicant respectfully requests that the rejection of these claims be withdrawn.

Amended independent claim 23 recites that "each of said three or more axles synchronously interlocks with one of said output members or said input member." Wernick fails to disclose this feature. For example, output shaft (12) connects to axles (2) and (3) only through inter-axle *differential* (17), to axle (1) only through center differential (8), and to axle (4) only through inter-axle *differential* (11) and thereby does not *synchronously* interlock with any axle. Additionally, the Vangsgard patent does not disclose this feature. Accordingly, even if it were obvious to combine these references, the combination would not teach each and every feature of the claimed invention. Accordingly, Applicant respectfully requests that the Examiner withdraw this rejection of claim 23.

Claims 24-31 depend from and add additional features to claim 23. Therefore these claims are allowable for at least the reasons stated above. Accordingly, Applicant respectfully requests that the rejection of these claims be withdrawn.

Amended independent claim 32 recites that "said second transmission member synchronously interlocks with *both* said first transmission member and said input means of at least one of the other transaxle devices *other* than said main transaxle device" (emphasis added). The Wernick patent fails to disclose that the second transmission member (13) interlocks with the input means of the transaxle device for axle (3) because second transmission member (13) is connected with input means (19) only through inter-axle *differential* 9, center *differential* (8) and inter-axle *differential* (17) and thereby does not *synchronously* interlock with input means (19) of axle (3). Additionally, the Vangsgard patent does not disclose this feature. Accordingly, even if it were obvious to combine these references, the combination would not teach each and every feature of the claimed invention. Accordingly, Applicant respectfully requests that the Examiner withdraw this rejection of claim 32.

Claims 33-44 depend from and add additional features to claim 32. Therefore these claims are allowable for at least the reasons stated above. Accordingly, Applicant respectfully requests that the rejection of these claims be withdrawn.

Independent claim 45 recites that "each of said input member and pair of output members synchronously interlocks with at least one of said axles of said main transaxle device and said input means of the other transaxle devices other than said main transaxle device." Wernick fails to disclose this feature. For example, input shaft (11) connects with axle (1) and input shaft (12) only through center *differential* (8), connects with axles (2) and (3) only through center *differential* (8) and inter-axle *differential* (17), and connects with axle (4) only through center *differential* (8) and inter-axle *differential* (11). Additionally, the Vangsgard patent does not disclose this feature. Accordingly, even if it

were obvious to combine these references, the combination would not teach each and every feature of the claimed invention. Accordingly, Applicant respectfully requests that the Examiner withdraw this rejection of claim 45.

Claims 46-59 depend from and add additional features to claim 45. Therefore these claims are allowable for at least the reasons stated above. Accordingly, Applicant respectfully requests that the rejection of these claims be withdrawn.

Claims 7-10, 19-22, 28-31, 41-44 and 54-57, regarding the braking system, have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Wernick, in view of Vangsgard, and further in view of U.S. Patent No. 4,462,271 to Steig. The Examiner states that Wernick in view of Vangsgard discloses all of the features of the present invention except a braking system. The Examiner then states that Steig teaches a braking system essentially as claimed and it would have been obvious at the time the invention was made to combine these three teaching to disclose all the features of these claims.

Applicant respectfully transverses the Examiner's rejection of these claims because Steig does not disclose, for example, a brake provided on an axle, as recited in dependent claims 7, 19, and 28. Additionally, Steig does not disclose the brake provided on an axle which is divided into two halves, as recited in claims 10, 22, 31, 44, and 57.

Additionally, the Steig patent does not disclose the features of independent claims 1, 11, 23, 32, and 45, as discussed above. Accordingly, even if it were obvious to combine Wernick, Vangsgard and Steig, the resulting combination would not teach the present invention. Accordingly, Applicant respectfully requests that the rejection of these claims also be withdrawn.

Claims 39 and 52 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Wernick, in view of Vangsgard, and further in view of U.S. Patent No. 5,848,664 to Kaspar ("Kaspar"). The Examiner states that Kaspar teaches a continuously variable transmission as claimed, and that it would have been obvious at the time the invention was made to combine these three teachings to disclose all the features of these claims. The Kaspar patent does not disclose the features of independent claims 32 and 45, as discussed above. Accordingly, even if it were obvious to combine Wernick, Vangsgard and Kaspar, the resulting combination would not teach the present invention. Accordingly, Applicant respectfully requests that this rejection of claims 39 and 52 also be withdrawn.

Claims 40 and 53 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Wernick, in view of Vangsgard and Kaspar, and further in view of U.S. Patent No. 4,639,008 to Krettenauer *et al.* ("Krettenauer"). The Examiner states that Krettenauer teaches a power take-off unit, as claimed, and that it would have been obvious at the time the invention was made to combine these four teachings to disclose all the features of these claims. The Krettenauer patent does not disclose the features of independent claims 32 and 45, as discussed above. Accordingly, even if it were obvious to combine Wernick, Vangsgard, Kaspar, and Krettenauer, the resulting combination would not teach the present invention. Accordingly, Applicant respectfully requests that this rejection of claims 40 and 53 also be withdrawn.

Claims 58 and 59 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Wernick, in view of Vangsgard and further in view of U.S. Patent No. 4,823,897 to Wohlfarth ("Wohlfarth"). The Examiner states that Wohlfarth teaches a

first drive train disposed at one lateral side of the vehicle and a second drive train opposite the first as claimed, and that it would have been obvious at the time the invention was made to combine these three teachings to disclose all the features of these claims. The Krettenauer patent does not disclose the features of independent claim 1, as discussed above. Accordingly, even if it were obvious to combine Wernick, Vangsgard, Wohlfarth, the resulting combination would not teach the present invention. Accordingly, Applicant respectfully requests that this rejection of claims 58 and 59 also be withdrawn.

***Other Matters***

Applicant and his representatives wish to thank Examiner Lum for her time to conduct the interview for this case. As requested by Examiner Lum during the interview, Applicant has added reference numbers to the claims for convenience of the Examiner.

***Conclusion***

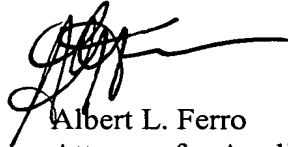
All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.



Prompt and favorable consideration of this Amendment and Reply is respectfully  
requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Albert L. Ferro  
Attorney for Applicant  
Registration No. 44,679

Date: Oct. 14, 2003

1100 New York Avenue, N.W.  
Washington, D.C. 20005-3934  
(202) 371-2600  
::ODMA\MHODMA\SKGF\_DC1;180473;1